
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

ANGELA K. NIELSON, individually and on
behalf of THE ESTATE OF BRETT W.
NIELSON; RYLEE NIELSON; ERIC
NIELSON; and LINDA NIELSON,

Plaintiffs,

v.

HARLEY-DAVIDSON MOTOR COMPANY
GROUP, LLC; GOODYEAR DUNLOP
TIRES NORTH AMERICA, LTD.; THE
GOODYEAR TIRE & RUBBER CO.;
SUMITOMO RUBBER USA, LLC; and
BELLINGHAM HARLEY-DAVIDSON,
INC.,

Defendants.

**ORDER OF DISMISSAL
WITHOUT PREJUDICE
RE: DEFENDANT BELLINGHAM
HARLEY-DAVIDSON, INC.**

Case No. 4:18-cv-00013-DN-PK

District Judge David Nuffer

Plaintiffs were ordered to show cause as to why their claims against Defendant Bellingham Harley-Davidson, Inc. (“Bellingham”) should not be dismissed for failure to timely serve and prosecute.¹ Plaintiffs responded that they anticipated serving Bellingham once it was confirmed through discovery that Bellingham sold the tire at issue in the case.² But Plaintiffs were not able to discover documents confirming the tire’s sale, and discovery is now closed.³ Therefore, Plaintiffs indicated that they not object to the dismissal of their claims against Bellingham.

¹ Memorandum Decision and Order Granting Motions for Summary Judgment and Order to Show Cause Re: Plaintiffs’ Failure to Serve Defendant Bellingham Harley-Davidson, Inc. at 8-9, [docket no. 190](#), filed Mar. 10, 2021.

² Plaintiffs’ Response to Order to Show Cause Re: Plaintiffs’ Failure to Serve Defendant Bellingham Harley-Davidson at 2, [docket no. 192](#), filed Mar. 17, 2021.

³ *Id.*

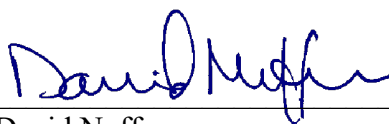
Based on Plaintiffs' failure to timely serve Bellingham and failure to prosecute their claims against Bellingham,

IT IS HEREBY ORDERED that Plaintiffs' claims and this action against Bellingham are DISMISSED without prejudice.

The Clerk is directed to close the case.

Signed March 22, 2021.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge